

PUBLISHED IN THE WICHITA EAGLE ON DECEMBER 10, 2004

ORDINANCE NO. 46-410

AN ORDINANCE PROVIDING FOR THE ACQUISITION BY EMINENT DOMAIN OF CERTAIN PRIVATE PROPERTY, EASEMENTS AND RIGHT-OF-WAY THEREIN, FOR THE PURPOSE OF PRESERVING THE RUNWAY APPROACH PROTECTION ZONE FOR MID-CONTINENT AIRPORT IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS; DESIGNATING THE LANDS REQUIRED FOR SUCH PURPOSES AND DIRECTING THE CITY ATTORNEY TO FILE A PETITION IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS, FOR ACQUISITION OF THE LANDS AND EASEMENTS THEREIN TAKEN AND PROVIDING FOR PAYMENT OF THE COST THEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE WICHITA AIRPORT AUTHORITY, WICHITA, KANSAS:

SECTION 1. That it be and is hereby declared to be a public necessity to acquire by eminent domain proceedings for the purpose of protecting the Runway Approach Protection zone for Mid-continent Airport in the City of Wichita, Sedgwick County, Kansas, the lands and easements hereinafter described in Section 2.

SECTION 2. That the description of the lands and title therein necessary for the purpose of such action is as follows:

Clear and complete title for the uses and purposes herein set forth in and to the following-described tracts, to-wit:

Lots 1 through 17, inclusive, Block A; Lots 1 through 12, inclusive, Block B; Lots 1 and 2, Block C; and Reserve A, all in Haag Industrial Park Addition, Wichita, Sedgwick County, Kansas.

SECTION 3. That the City Attorney is hereby authorized and directed to commence proceedings in eminent domain in the District Court of Sedgwick County, Kansas, for the appropriation of said lands and determination of the compensation to be awarded for the taking thereof.

SECTION 4. That the costs of said acquisition when ascertained shall be paid from Passenger Facility Charges to be issued for the costs of such

improvements; PROVIDED, however, should the Wichita Airport Authority acquire said property (and said Wichita Airport Authority hereby reserves its right to abandon the condemnation as to any or all tracts) that Funds are available for said purpose as provided by law.

SECTION 5. That the costs of said acquisition shall be charged to the City of Wichita

SECTION 6. That this Ordinance shall take effect and be in force from and after its passage and publication once in the official City paper.

ADOPTED at Wichita, Kansas, this 7th day of December, 2004

WICHITA AIRPORT AUTHORITY

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary E. Rebenstorf, Director of Law